

Message Text

UNCLASSIFIED

PAGE 01 LAGOS 10688 290720Z
ACTION SNM-05

INFO OCT-01 AF-10 ISO-00 L-03 PPTE-00 CA-01 DEAE-00
/020 W

-----001203 290736Z /13

P 281442Z AUG 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 264

UNCLAS LAGOS 10688

E.O. 11652: N/A
TAGS: SNAR, NI
SUBJECT: NIGERIAN NARCOTICS LAW

REF: A) LAGOS 10110,B) STATE 203321, C) STATE 170187

1. NIGERIAN NARCOTICS LAW CONSISTS OF THE DANGEROUS DRUGS ACT (DDA) OF 1958, THE INDIAN HEMP DECREE OF 1966, AND THE INDIAN HEMP AMENDMENT DECREE OF 1975.

2. DDA APPLIES TO RAW OPIUM, COCA LEAVES, PREPARED OPIUM, COCAINE, MORPHINE, HEROIN, AND ANY DRUGS DERIVED FROM PHENATHRINE ALKALOIDS OF OPIUM AND ECOGNINE ALKALOIDMS OF COCA LEAF. THERE IS NO QUALIFYING AMOUNT FOR POSSESSION SPECIFIED BY LAW OR REGULATION. DDA DOES NOT DIFFERENTIATE BETWEEN POSSESSION, TRAFFICKING, CULTIVATION, PRODUCTION OR ELABORATION. ALL ARE PROHIBITED. IN PRACTICE, POSSESSION OF EVEN MINUTE AMOUNTS OF DANGEROUS DRUGS CAN RESULT IN ARREST AND CONVICTION. MUCH, HOWEVER, IS LEFT TO THE DISCRETION OF THE JUDGE IN INDIVIDUAL CASES.

3. DDA, PART III, REGULATES THE PREPARATION AND USE OF DANGEROUS DRUGS FOR MEDICAL PURPOSES.
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LAGOS 10688 290720Z

IT AUTHORIZES THE MANUFACTURE AND SALE OF NARCOTICS FOR MEDICAL USE BY LICENSED PHARMACISTS IN ACCORDANCE WITH THE PROVISIONS OF THE PHARMACY ORDINANCE OF 1958. NARCOTICS TO WHICH THIS PART OF THE DDA APPLIES ARE: "MEDICINAL OPIUM: ANY EXTRACT OR TINCTURE OF INDIAN HEMP; MORPHINE AND HEROIN; COCAINE AND ECOGNINE: ANY

SOLUTION OR DILUTION OF MORPHINE OR MCOCAINE CONTAINING NOT LESS THAN ONE-FIFTH PERCENT OF MORPHINE OR ONE-TENTH PERCENT OF COCAINE OR ECOGNINE: PENTRAVELENT MORPHINE DERIVATIVES: THEBAINE AND ITS SALTS (EXCLUDING DIONIN AND CODEINE)."

4. THE STANDARD PENALTY FOR CONVICTION FOR VION- LATION OF ANY PROVISION OF DDA IS A FINE OF APPROX- IMATELY U.S. DOLS 1800 OR UP TO TEN YEARS IMPRISONMENT OR BOTH, ON EACH COUNT. THIS LAW HAS NOT BEEN AMENDED OR SUPERCEDED BY ANY LEGISLATION OR DECREES SINCE ITS PROMULGATION.

5. THE INDIAN HEMP DECREE OF 1966, AMENDED IN 1975, SEEKS TO CONTROL WHAT THE FMG PERCEIVES AS A MAJOR SOCIAL PROBLEM. INDIAN HEMP IS DEFINED AS "ANY PLANT OR PART OF THE PLANT OF THE GENUS CANNABIS OR SEPARATED RESIN OR ANY PREPARAUTION CONTAINING SUCH RESIN." DURING THE CHAOTIC YEAR OF 1966, THE GOVERNMENT OF GENERAL AGUIYI-IRONVSI SAW INDIAN HEMP SMOKING AS A MAJOR CAUSE OF SOCIAL UNREST AND VIOLENCE. THE 1966 DECREE INTRODUCED DRACONIAN MEASURES TO PUNISH OFFENDERS AND DISCOURAGE USE. PENALTIES RANGED FROM DEATH OR NOT LESS THAN 21 YEARS IMPRISONMENT FOR CONVICTION ON CULTIVATION
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LAGOS 10688 290720Z

CHARGES TO NOT LESS THAN FIVE YEARS IMPRISONMENT FOR POSESSION OF ANY PARAPHERNALIA USED IN SMOKING HEMP. A SIMPLE POSSESSION CONVICTION BROUGHT NOT LESS THAN TEN YEARS IMPRISONMENT. NO EXECUTIONS WERE HELD AND THE MINIMUM SENTENCES WERE METED OUT. PUBLIC ANTAGONISM TO THE DECREE INCREASED AS STABILITY WAS RESTORED FOLLOWING THE CIVIL WAR. BY 1975 THERE WAS A CLEAR NEED FOR REVISION.

5. THE INDIAN HEMP AMENDEMENT ACT OF 1975 INTRODUCED MODERATE PENALTIES, PARTICULARLY FOR POSSESSION. THE CURRENT PENALTIES FOR CONVICTION ARE: 1) CULTIVA- TION, NOT LESS THAN TEN YEARS; 2) IMPORTATION OR SALE: NOT LESS THAN TEN YEARS; 3) EXPORTAION, MAXIMUM SENTENCE OF TEN YEARS; 4) SMOKING AND KNOWING POSSESSION, NOT LESS THAN SIX MONTHS OR 200 NAIRA OR BOTH: LEGAL OCCUPIER OF PRE- MISES ON WHICH SMOKING, SELLING, OR PREPARATION IS PERMITTED, TEN YEARS MAXIMUM. THESRE IS NO QUALIFYING AMOUNT FOR POSSESSION. FOR JUVENILE OFFENDERS AGED 17-19 CONVICTION WILL

BRING CANING OF NOT MORE THAN 49 STROKES DELIVERED
NOT MORE THAN 12 STROKES A DAY. FOR OFFENDERS
UNDER 17 THE COURT WILL REFER THE CASES TO
PROBATION OFFICERS OR OTHER RESPONSIBLE ADULTS.

6. WITH REGARD TO CRIMINAL PROCEDURE (REFTEL C,
PARA 5), NIGERIAN PRACTICE IS SO IRREGULAR THAT
AN ACCURATE ANSWER IS VIRTUALLY IMPOSSIBLE.
OFFICIALS RESPONSIBLE FOR NARCOTICS AT MINISTRY
OF JUSTICE WERE UNWILLING TO GENERALIZE ABOUT
TIME CONSIDERATIONS. TRAILS ARE LONG BECAUSE OF
INADEQUATE COURT SYSTEMM AND GOVERNMENT IS SENSITIVE
TO CRITICISM. MANY TIMES CONSULAR NOTIFICATION
IS AN AFTERTHOUGHT, BUT EXPERIENCE OF FOREIGN
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 LAGOS 10688 290720Z

NATIONALS WITH NIGERIAN NARCOTICS LAW ENFORCEMENT
IS NOT EXTENSIVE. LACK OF ANY COURT STATISTICS
MAKE DETERMINATION OF LAW'S EFFECTIVENESS
IMPOSSIBLE. IN GENERAL, ALTHOUGH PENALTIES ARE
HARSH, ENFORCEMENT IS WEAK.
WYMAN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 28 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LAGOS10688
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780352-0269
Format: TEL
From: LAGOS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780818/aaaaaouq.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 441cf25a-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 LAGOS 10110, 78 STATE 203321, 78 STATE 170187
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1604314
Secure: OPEN
Status: NATIVE
Subject: NIGERIAN NARCOTICS LAW
TAGS: SNAR, NI
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/441cf25a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014